

Introduced: 1/11/82
Referred: Transportation and
Finance

1 IN THE HOUSE

BY THE TRANSPORTATION COMMITTEE

2 HOUSE BILL NO. 648

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act transferring certain functions of the Department
7 of Transportation and Public Facilities to the Depart-
8 ment of Administration; establishing the Department of
9 Transportation; and providing for an effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. AS 02.10.080 is amended to read:

12 Sec. 02.10.080. DEPARTMENT DEFINED. As used in this chapter,
13 "department" means the [STATE] Department of Transportation [AND PUBLIC
14 FACILITIES].

15 * Sec. 2. AS 02.15.260(8) is amended to read:

16 (8) "commissioner" means the commissioner of the Department
17 of Transportation [AND PUBLIC FACILITIES OF THE STATE];

18 * Sec. 3. AS 02.15.260(9) is amended to read:

19 (9) "department" means the Department of Transportation [AND
20 PUBLIC FACILITIES];

21 * Sec. 4. AS 02.20.070 is amended to read:

22 Sec. 02.20.070. DEPARTMENT DEFINED. In this chapter "department"
23 means the Department of Transportation [AND PUBLIC FACILITIES].

24 * Sec. 5. AS 02.25.110(4) is amended to read:

25 (4) "department" means the Department of Transportation [AND
26 PUBLIC FACILITIES OF THIS STATE];

27 * Sec. 6. AS 02.35.150 is amended to read:

28 Sec. 02.35.150. "DEPARTMENT" AND "COMMISSIONER" DEFINED. In this
29 chapter, "department" means the [STATE] Department of Transportation

1 [AND PUBLIC FACILITIES]; "commissioner" means the commissioner of trans-
2 portation [AND PUBLIC FACILITIES].

3 * Sec. 7. AS 03.53.010(a) is amended to read:

4 (a) No animals may be transported into the state aboard a ferry
5 operated by the division of marine transportation of the Department of
6 Transportation [AND PUBLIC FACILITIES] unless the animal's owner, custo-
7 dian or attendant possesses a valid health certificate for the animal.
8 This certificate shall accompany the animal or be in the possession of
9 the animal's owner, custodian or attendant aboard the ferry and shall be
10 presented when requested by an employee of the state ferry system at the
11 time the owner, custodian or attendant makes arrangements to transport
12 the animal, boards the ferry with the animal, or at any other time.

13 * Sec. 8. AS 05.35.020 is amended to read:

14 Sec. 05.35.020. PERMITS FOR RACING EVENTS. The athletic commis-
15 sion may issue, and for cause cancel, a permit to conduct a snow vehicle,
16 automobile or motorcycle racing event as provided in this chapter under
17 terms and conditions and at times and places the commission may deter-
18 mine. If the commission refuses to grant a permit to an applicant, or
19 cancels a permit, the applicant or holder of the cancelled permit may,
20 upon application, have a hearing under the provisions of the Administra-
21 tive Procedure Act (AS 44.62). No permit may be issued by the commission
22 for the use of a state highway without the concurrence of the commis-
23 sioner of transportation [HIGHWAYS] and the commissioner of public
24 safety.

25 * Sec. 9. AS 09.55.250(1) is amended to read:

26 (1) a fee simple, when taken for public buildings or grounds,
27 or for permanent buildings, for reservoirs and dams and permanent flood-
28 ing occasioned by them, or for an outlet for a flow, or a place for the
29 deposit of debris or tailings of a mine, or when, in the judgment of the

1 Department of Natural resources, the Department of Administration
2 [PUBLIC WORKS], or the Department of Transportation [HIGHWAYS], a fee
3 simple is necessary for any of the purposes for which the department, on
4 behalf of the state, is authorized by law to acquire real property by
5 condemnation;

6 * Sec. 10. AS 14.08.101(7) is amended to read:

7 (7) recommend to the commissioner a school construction and
8 rehabilitation program based on an evaluation of the condition of exist-
9 ing school facilities and a determination of the requirements for new
10 school construction, rehabilitation or other upgrading of school facili-
11 ties, and provide for the construction and rehabilitation or other
12 upgrading of school facilities when grants are made to it by the Depart-
13 ment of Administration [PUBLIC WORKS] under AS 14.08.161; and

14 * Sec. 11. AS 14.08.161(b)(7) is amended to read:

15 (7) public facilities procurement policies developed by the
16 Department of Administration [TRANSPORTATION AND PUBLIC FACILITIES]
17 under AS 35.10.160 - 35.10.200.

18 * Sec. 12. AS 14.08.161(c) is amended to read:

19 (c) School construction, repair, and improvement projects shall be
20 carried out by the Department of Administration [TRANSPORTATION AND
21 PUBLIC FACILITIES] unless funds for a project are granted to a regional
22 school board under (d) of this section.

23 * Sec. 13. AS 14.08.161(d) is amended to read:

24 (d) Regional school boards may apply to the Department of Adminis-
25 tration [TRANSPORTATION AND PUBLIC FACILITIES] for a grant of all or
26 part of the funds allocated for their school construction, repair, and
27 improvement projects. When a regional school board applies for a grant
28 of funds, the department shall grant funds to a regional school board
29 for a school construction, repair, or improvement project, and, if the

1 request is for all funds allocated, shall provide for the assumption by
2 the regional school board of all of the department's responsibilities
3 relating to the planning, design and construction of an educational
4 facility. Thereafter, the board shall

5 (1) select the appropriate professional personnel to develop
6 the designs;

7 (2) approve or disapprove the appropriate designs or revised
8 designs; and

9 (3) undertake construction, repair or improvement of the
10 educational facility.

11 * Sec. 14. AS 14.08.161(e) is amended to read:

12 (e) To carry out the purpose of this section, the Department of
13 Administration [TRANSPORTATION AND PUBLIC FACILITIES] shall adopt regula-
14 tions relating to the application for and the making and the manner of
15 administration of grants wherein the responsibility for school construc-
16 tion, repair and improvement is assumed by regional school boards under
17 (d) of this section. The department shall include in grant contracts
18 terms and conditions requiring a regional school board and its contrac-
19 tors to adhere to the provisions of AS 36.05.010 with respect to the
20 payment of wage rates on construction projects, and AS 36.10.010 with
21 respect to employment preference and may require different terms in
22 grant contracts for different projects to meet local conditions and
23 unique requirements and to assure compliance with the public facilities
24 procurement policies developed by the department under AS 35.10.160 -
25 35.10.200.

26 * Sec. 15. AS 18.40.010 is amended to read:

27 Sec. 18.40.010. SHELTER CABINS AND COMFORT STATIONS ON AIRPORTS.
28 The Department of Transportation [PUBLIC WORKS] may erect and maintain
29 shelter cabins and comfort stations for the accommodation of travelers

1 on the airports throughout the state where the facilities are required
2 and necessary out of funds appropriated for the construction and mainten-
3 ance of roads and aviation fields. Each shelter cabin or comfort station
4 shall contain a suitable stove and other facilities considered necessary
5 by the Department of Transportation [PUBLIC WORKS].

6 * Sec. 16. AS 18.40.020 is amended to read:

7 Sec. 18.40.020. SHELTER CABINS ON ROADS AND TRAILS. The Depart-
8 ment of Transportation [PUBLIC WORKS] may erect and maintain cabins for
9 the accommodation of travelers and shelter for dog teams and horses at
10 the places along traveled roads and trails considered necessary by the
11 Department of Transportation [PUBLIC WORKS] for the safety of the travel-
12 ing public. Each cabin shall contain a suitable stove. The Department
13 of Transportation [PUBLIC WORKS] shall place in conspicuous places on
14 roads and trails leading to or from the cabins sign boards advising
15 travelers of the direction and distance to the cabin.

16 * Sec. 17. AS 18.40.030 is amended to read:

17 Sec. 18.40.030. INSPECTION OF CABINS. The Department of Trans-
18 portation [PUBLIC WORKS] shall inspect or cause to be inspected all the
19 cabins erected under this chapter at least once a year.

20 * Sec. 18. AS 18.40.060 is amended to read:

21 Sec. 18.40.060. EXCEPTION. Nothing in this chapter prevents the
22 Department of Transportation [PUBLIC WORKS] from authorizing responsible
23 persons in writing to occupy permanently in the capacity of caretakers
24 or roadhouse keepers shelters with adequate accommodations in order to
25 improve the accommodations for the traveling public.

26 * Sec. 19. AS 18.45.030(4) is amended to read:

27 (4) the Department of Transportation [PUBLIC WORKS] particu-
28 larly as to the transportation of special nuclear, by-product, and
29 radioactive materials on highways of the state;

1 * Sec. 20. AS 18.45.030(5) is amended to read:

2 (5) the Department of Transportation [PUBLIC WORKS] particu-
3 larly as to the transportation of special nuclear, by-product, and
4 radioactive materials by common carriers not in interstate commerce and
5 as to the participation by public utilities subject to its jurisdiction
6 in projects for the development of production or utilization facilities
7 for industrial or commercial use;

8 * Sec. 21. AS 18.60.030(5) is amended to read:

9 (5) advise with the public agencies responsible for safeguard-
10 ing the people against accidents, and especially with the Department of
11 Administration [PUBLIC WORKS], the Department of Public Safety, the
12 Department of Education, Department of Natural Resources, Department of
13 Health and Social Services, and the heads or representatives of federal
14 departments and agencies operating in the state particularly concerned
15 with safety programs and accident prevention;

16 * Sec. 22. AS 19.05.130(1) is amended to read:

17 (1) "commissioner" means the commissioner of transportation
18 [AND PUBLIC FACILITIES];

19 * Sec. 23. AS 19.05.130(5) is amended to read:

20 (5) "department" means the Department of Transportation [AND
21 PUBLIC FACILITIES];

22 * Sec. 24. AS 19.10.052(a) is amended to read:

23 (a) A municipality, by resolution of its governing body, may
24 request the transfer to it of the responsibility of the Department of
25 Transportation [AND PUBLIC FACILITIES] for the operation and maintenance
26 of a traffic control system which regulates the flow of traffic at
27 intersections of highways and roads maintained by the state and the
28 municipality.

29 * Sec. 25. AS 19.10.280(a) is amended to read:

1 (a) A municipality, by resolution of its governing body, may
2 request of the department the assumption of the department's responsi-
3 bilities relating to planning of transportation corridors which are to
4 be located within the boundaries or operating area of the municipality.
5 After receipt of the request, the department shall provide by agreement
6 for assumption by the municipality of the department's responsibilities
7 relating to planning of transportation corridors, unless the commissioner
8 of transportation [AND PUBLIC FACILITIES] determines that assumption of
9 responsibilities by the municipality is not practicable or not in the
10 best interests of the state. The parties may by mutual agreement provide
11 for joint or cooperative assumption of responsibilities by the department
12 and the municipality.

13 * Sec. 26. AS 19.10.280(b) is amended to read:

14 (b) If the commissioner of transportation [AND PUBLIC FACILITIES]
15 determines that assumption of responsibilities by a municipality under
16 this section is not practicable or not in the best interests of the
17 state, he shall notify the municipality of his finding and specify
18 reasons for it. If the municipality requests reconsideration of the
19 decision, he shall hold a hearing in the municipality within 30 days
20 following mailing of the request. Following the hearing he may affirm,
21 modify or reverse his initial decision and shall specify in writing the
22 reasons.

23 * Sec. 27. AS 19.10.280(d) is amended to read:

24 (d) The commissioner of transportation [AND PUBLIC FACILITIES] may
25 require terms or conditions in an agreement under this section necessary
26 to insure compliance with the requirements of this section and otherwise
27 considered to be in the public interest. If necessary, the commissioner
28 may require as a condition of an agreement under this section approval
29 of the agreement by the federal government.

1 * Sec. 28. AS 19.20.090 is amended to read:

2 Sec. 19.20.090. HIGHWAY CONSTRUCTION NEAR AIRPORTS. (a) A [NO]
3 person may not construct, reconstruct, relocate, or extend a federal-aid
4 highway within two miles of an airport, airstrip, or private air facility
5 without first obtaining the written approval of the commissioner of
6 transportation [AND PUBLIC FACILITIES], as provided by regulation.

7 (b) The commissioner of transportation may [AND PUBLIC FACILITIES
8 SHALL] not approve the construction, reconstruction, relocation, or
9 extension of a highway under this section if the construction would
10 constitute a hazard to the traveling public or if the construction would
11 otherwise not be in the public interest.

12 (c) The commissioner of transportation [AND PUBLIC FACILITIES]
13 shall adopt [PROMULGATE RULES AND] regulations, to effectuate the purpose
14 of this section, which are consistent with standards established by
15 participating federal agencies.

16 * Sec. 29. AS 19.22.030(2) is amended to read:

17 (2) "department" means the Department of Transportation [AND
18 PUBLIC FACILITIES].

19 * Sec. 30. AS 19.25.160(2) is amended to read:

20 (2) "interstate system" means that portion of the National
21 System of Interstate and Defense Highways located in this state, as
22 officially designated, or as may [HEREAFTER] be so designated, by the
23 commissioner of transportation [AND PUBLIC FACILITIES], and approved by
24 the secretary of transportation (or by the secretary of commerce before
25 the effective date of the transfer of functions under Public Law 89-670
26 [80 Stat. 931]), under the provisions of Title 23, United States Code,
27 "Highways";

28 * Sec. 31. AS 19.25.160(3) is amended to read:

29 (3) "primary system" or "secondary system" means that portion of

1 connected main highways, as officially designated, or as may [HEREAFTER]
2 be so designated, by the commissioner of transportation [AND PUBLIC
3 FACILITIES], and approved by the secretary of transportation (or by the
4 secretary of commerce before the effective date of the transfer of
5 functions under Public Law 89-670 [80 Stat. 931]), under the provisions
6 of Title 23, United States Code, "Highways";

7 * Sec. 32. AS 19.25.160(4) is amended to read:

8 (4) "department" means the Department of Transportation [AND
9 PUBLIC FACILITIES].

10 * Sec. 33. AS 19.27.110(4) is amended to read:

11 (4) "interstate system" means that portion of the National
12 System of Interstate and Defense Highways located in this state, as
13 officially designated, or as may [HEREAFTER] be so designated, by the
14 commissioner of transportation [AND PUBLIC FACILITIES], and approved by
15 the secretary of transportation (or by the secretary of commerce before
16 the effective date of the transfer of functions under Public Law 89-670
17 [80 Stat. 931]), under the provisions of Title 23, United States Code,
18 "Highways";

19 * Sec. 34. AS 19.27.110(5) is amended to read:

20 (5) "primary system" or "secondary system" means that portion
21 of connected main highways, as officially designated, or as may [HERE-
22 AFTER] be so designated, by the commissioner of transportation [AND
23 PUBLIC FACILITIES], and approved by the secretary of transportation (or
24 by the secretary of commerce before the effective date of the transfer
25 of functions under Public Law 89-670 [80 Stat. 931]), under the provi-
26 sions of Title 23, United States Code, "Highways";

27 * Sec. 35. AS 19.27.110(6) is amended to read:

28 (6) "department" means the Department of Transportation [AND
29 PUBLIC FACILITIES].

1 * Sec. 36. AS 19.30.040(a) is amended to read:

2 (a) Upon approval of an application and agreement as to state
3 participation, the applicant resource developer shall submit to the
4 commissioner of natural resources road plans and specifications for the
5 standard of construction he believes to be necessary to develop the
6 mineral resource and protect the fish and game resources that may be
7 affected by the road construction. Plans and specifications submitted
8 by each applicant shall be forwarded by the commissioner of natural
9 resources to the commissioner of transportation [AND PUBLIC FACILITIES]
10 and the commissioner of fish and game and upon approval by them, the
11 applicant may proceed with construction.

12 * Sec. 37. AS 19.30.040(b) is amended to read:

13 (b) The applicant will be allowed credit for the use of his own
14 men and equipment or those of his contractor as his share of cost parti-
15 cipation. The applicant must submit documentation satisfactory to the
16 commissioner of transportation [AND PUBLIC FACILITIES] to support his
17 participation for this credit.

18 * Sec. 38. AS 19.30.051 is amended to read:

19 Sec. 19.30.051. REGULATIONS. The commissioner of natural
20 resources and the commissioner of transportation [AND PUBLIC FACILITIES]
21 shall adopt [PROMULGATE RULES AND] regulations to effectuate the pur-
22 poses of AS 19.30.020 - 19.30.051.

23 * Sec. 39. AS 19.30.080 is amended to read:

24 Sec. 19.30.080. CONSTRUCTION STANDARDS AND MAINTENANCE. Access
25 roads constructed under AS 19.30.060 - 19.30.100 shall be of low stan-
26 dard, not necessarily suitable for all weather use. The state is not
27 under obligation to maintain these roads. Right-of-way width shall be
28 determined by the division of lands and the Department of Transportation
29 [AND PUBLIC FACILITIES] if constructed outside local government units

1 which have zoning ordinances. If these roads are constructed within the
2 boundaries of local government units which have zoning ordinances, the
3 width shall conform to subdivision control ordinances of the local
4 government units. Contracts for the work shall be awarded to the lowest
5 responsible bidder qualified to contract with the state.

6 * Sec. 40. AS 19.30.151(a) is amended to read:

7 (a) Upon application by a local government, local service roads
8 and trails constructed under the provisions of AS 19.30.111 - 19.30.241
9 and located within the jurisdictional boundaries of a local government,
10 as defined in AS 19.30.241(3), may be transferred to that local govern-
11 ment upon approval by the Department of Transportation [AND PUBLIC
12 FACILITIES] and after a vote of the people in the area.

13 * Sec. 41. AS 19.30.241(7) is amended to read:

14 (7) "commissioner" means the commissioner of transportation
15 [AND PUBLIC FACILITIES];

16 * Sec. 42. AS 19.30.241(8) is amended to read:

17 (8) "department" means the Department of Transportation [AND
18 PUBLIC FACILITIES].

19 * Sec. 43. AS 19.40.020(c) is amended to read:

20 (c) The contract with the participants shall include such addi-
21 tional terms and conditions as appear to be in the best interests of the
22 state. Any advance payments made under such a contract shall be deposited
23 in a special account which will be used for disbursements to the contrac-
24 tor charged with construction of the highway. Disbursements to the
25 contractor shall be made on order of the commissioner of transportation
26 [AND PUBLIC FACILITIES] on presentation of a proper voucher or the
27 presentation of a voucher by an employee of the department authorized in
28 writing to certify as to that [SUCH] payment.

29 * Sec. 44. AS 19.40.060(2) is amended to read:

1 (2) certification by the commissioner of the Department of
2 Transportation [AND PUBLIC FACILITIES] that the road design and con-
3 struction methods will cause minimal landscape defacement or environ-
4 mental degradation by erosion or waste disposal;

5 * Sec. 45. AS 19.40.080(1) is amended to read:

6 (1) "department" means the Department of Transportation [AND
7 PUBLIC FACILITIES];

8 * Sec. 46. AS 19.60.070(1) is amended to read:

9 (1) "department" means the Department of Transportation [AND
10 PUBLIC FACILITIES];

11 * Sec. 47. AS 19.65.010 is amended to read:

12 Sec. 19.65.010. DUTY STATION OR PORT CHANGE FOR EMPLOYEES OF THE
13 ALASKA MARINE HIGHWAY SYSTEM. No employee of the Alaska marine highway
14 system may be relieved at a duty station or port which is outside the
15 state. Appropriate state duty stations or ports for relief changes
16 shall be designated by the Department of Transportation [PUBLIC WORKS].

17 * Sec. 48. AS 19.65.020(a) is amended to read:

18 (a) A vessel or facility of the Alaska marine highway system con-
19 structed or acquired by the Department of Transportation [AND PUBLIC
20 FACILITIES UNDER AS 19.60.010 - 19.65.020] may be given a name only by
21 law.

22 * Sec. 49. AS 23.40.040 is amended to read:

23 Sec. 23.40.040. COLLECTIVE BARGAINING AGREEMENT. The commissioner
24 of transportation [PUBLIC WORKS] or his authorized representative, in
25 accordance with AS 23.40.010 - 23.40.030, may negotiate and enter into
26 collective bargaining agreements concerning wages, hours, working condi-
27 tions, and other employment benefits with the employees of the division
28 of marine transportation engaged in operating the state ferry system as
29 masters or members of the crews of vessels or their bargaining agent.

1 No collective bargaining agreement is final without the concurrence of
2 the commissioner of transportation [PUBLIC WORKS]. The commissioner of
3 transportation [PUBLIC WORKS] may make provision in the collective
4 bargaining agreement for the settlement of labor disputes by arbitration.

5 * Sec. 50. AS 28.01.010(d) is amended to read:

6 (d) A municipality shall erect necessary official traffic control
7 devices on streets and highways within its jurisdiction which as far as
8 practicable conform to the current edition of the Alaska Traffic Manual
9 prepared by the Department of Transportation [AND PUBLIC FACILITIES].

10 * Sec. 51. AS 28.05.011(8) is amended to read:

11 (8) the operation of motor vehicle weighing stations and the
12 enforcement of size, weight and load limitations, including the issuing
13 of special permits and prescribing fees for special permits, based upon
14 directives of the Department of Transportation [AND PUBLIC FACILITIES]
15 for prescribing or restricting conditions for the driving of vehicles
16 when necessary to protect against undue damage to the road foundations,
17 surfaces or structures;

18 * Sec. 52. AS 29.89.020 is amended to read:

19 Sec. 29.89.020. STATE AID TO MUNICIPALITIES FOR ROADS. (a) The
20 department shall pay to a municipality which has power to provide for
21 road maintenance and exercises that power, \$2,500 a mile for each mile
22 of road, street or highway maintained by the local government, excluding
23 (1) the official state highway system, (2) roads, streets or highways
24 not dedicated to public use, (3) roads, streets or highways maintained
25 under the local service road program (AS 19.30.111 -19.30.251), and (4)
26 alleyways, in accordance with regulations adopted by the Department of
27 Transportation [AND PUBLIC FACILITIES]. A payment may not be made under
28 this subsection for maintenance of a road which is not used by automotive
29 equipment.

1 (b) A frozen waterway and a connection from an inhabited area to a
2 waterway which may be safely used for public transportation by automotive
3 equipment and is so used during a portion of a year is eligible for a
4 payment of \$1,500 per mile if the waterway and connection are maintained
5 during the period of use by a municipality or combination of municipali-
6 ties. The department, after consultation with the Department of Trans-
7 portation [AND PUBLIC FACILITIES], shall determine which waterways and
8 connections qualify and, where the waterways or connections lie outside
9 the corporate limits of a municipality, which municipalities shall
10 receive the payments under this subsection, unless the municipalities
11 involved have agreed in writing to a particular distribution.

12 * Sec. 53. AS 30.05.010 is amended to read:

13 Sec. 30.05.010. SUBSIDIES TO FREIGHT CARRIERS. The Department of
14 Transportation [AND PUBLIC FACILITIES] may pay a sum of money not to
15 exceed \$30,000 a year to the owner or charterer of a vessel of American
16 registry who operates the vessel as a common carrier of freight and mail
17 to and from points the Department of Transportation [AND PUBLIC FACILI-
18 TIES] designates.

19 * Sec. 54. AS 30.05.020 is amended to read:

20 Sec. 30.05.020. PAYMENT OF SUBSIDIES. The subsidy shall be paid
21 in the installments the Department of Transportation [AND PUBLIC FACILI-
22 TIES] thinks proper, after proof is submitted that the conditions of the
23 contract or subsidy are fulfilled up to the time of payment. The
24 inability to touch at a point along the route designated by the Depart-
25 ment of Transportation [AND PUBLIC FACILITIES] due to a lack of proper
26 docking or harbor facilities or to stress of weather does not prevent
27 the owner or charterer from receiving the money otherwise earned, and is
28 not a cause for reducing the amount of the subsidy. If the subsidized
29 vessel is lost, wrecked, or damaged, the Department of Transportation

1 [AND PUBLIC FACILITIES] may permit the contractor to carry out the
2 service temporarily with another vessel or ship of American registry
3 that meets with its approval.

4 * Sec. 55. AS 30.05.030 is amended to read:

5 Sec. 30.05.030. TARIFF OF RATES. The owner or charterer of the
6 vessel awarded the subsidy must adopt and publish a tariff of freight
7 rates to be approved by the Department of Transportation [AND PUBLIC
8 FACILITIES]. The tariff must be reasonable, and it is unlawful for the
9 operator of the vessel to charge more than provided for the tariff. The
10 tariff must be published before services are performed under the subsidy.

11 * Sec. 56. AS 30.05.040 is amended to read:

12 Sec. 30.05.040. REPORT BY OWNER OR CHARTERER. It is a condition
13 in awarding of the subsidy that the contractor agrees to make a report
14 under oath, in form and manner designated by the Department of Trans-
15 portation [AND PUBLIC FACILITIES] at the end of each year, giving the
16 following information:

17 (1) tariff sheet of freight rates for the route covered;

18 (2) total tonnage carried;

19 (3) gross earning from freight and mail service rendered,
20 segregating the two amounts;

21 (4) a statement in detail of all expenses incurred and on
22 what account, the names and addresses of all persons employed, and the
23 gross earnings and gross expense of the route covered.

24 * Sec. 57. AS 30.07.020 is amended to read:

25 Sec. 30.07.020. REGULATIONS. The Department of Transportation
26 [AND PUBLIC FACILITIES] may adopt regulations, not in conflict with
27 federal law or regulations, which establish standards for marine communi-
28 cations in the state.

29 * Sec. 58. AS 30.15.010 is amended to read:

1 Sec. 30.15.010. STATE GRANTS FOR PORT FACILITIES CONSTRUCTION.
2 To the extent funds are appropriated by the legislature, or from the
3 proceeds from the sale of bonds, the state may make grants to municipali-
4 ties to finance a portion of the cost of construction of local, regional
5 or state port facilities. The state shall participate only in those
6 projects approved by the governor on recommendation of the commissioner
7 of transportation [AND PUBLIC FACILITIES].

8 * Sec. 59. AS 30.15.020(a) is amended to read:

9 (a) Before a grant may be awarded under this chapter, the commis-
10 sioner of transportation [PUBLIC WORKS] shall determine that

11 (1) the grant is for a feasible project;

12 (2) the project is endorsed by resolution of the governing
13 body of the sponsoring municipality on its own behalf, or on behalf of a
14 service area in an organized borough if a service area is established to
15 finance and construct port facilities and operate and maintain them once
16 constructed; and

17 (3) the municipality can clearly demonstrate its ability to
18 finance the local share of project costs.

19 * Sec. 60. AS 30.15.060 is amended to read:

20 Sec. 30.15.060. REGULATIONS. The commissioner of transportation
21 [PUBLIC WORKS] shall adopt [PROMULGATE] regulations under the Administra-
22 tive Procedure Act (AS 44.62) that he considers necessary to carry out
23 the provisions of this chapter.

24 * Sec. 61. AS 30.15.070(1) is amended to read:

25 (1) "commissioner" means the commissioner of transportation
26 [PUBLIC WORKS];

27 * Sec. 62. AS 30.15.070(2) is amended to read:

28 (2) "department" means the Department of Transportation
29 [PUBLIC WORKS];

1 * Sec. 63. AS 30.30.170(1) is amended to read:

2 (1) "department" means the Department of Transportation
3 [PUBLIC WORKS], division of waters and harbors;

4 * Sec. 64. AS 35.10.015(d) is amended to read:

5 (d) After June 25, 1976, no ferry may be constructed, lengthened,
6 completely renovated, or purchased for use or entered into service by
7 the division of marine transportation of the Department of Transporta-
8 tion [PUBLIC WORKS] as a part of the Alaska marine highway system that
9 does not include adequate facilities and devices to ensure that the
10 vessel is accessible to and usable by physically handicapped, aged or
11 infirm passengers. Some staterooms and all restrooms, indoor passageways,
12 outdoor weather decks, and other public areas aboard the vessel shall be
13 so designed and constructed as to permit access and use by physically
14 handicapped, aged or infirm passengers, including but not limited to
15 those persons occupying a wheelchair.

16 * Sec. 65. AS 35.10.160 is amended to read:

17 Sec. 35.10.160. FINDINGS AND PURPOSE. The legislature finds that
18 since the needs of the state for physical facilities of all kinds are
19 diverse the planning, design and construction of public facilities
20 should be executed in accordance with facility procurement policies
21 developed by the Department of Administration [TRANSPORTATION AND PUBLIC
22 FACILITIES] and reviewed annually by the legislature.

23 * Sec. 66. AS 35.15.080(b) is amended to read:

24 (b) If the commissioner of administration [TRANSPORTATION AND
25 PUBLIC FACILITIES] determines that assumption of responsibilities by a
26 municipality under (a)(2) of this section is not practicable or not in
27 the best interests of the state, he shall notify the governing body of
28 the municipality of his finding and specify reasons for it. If the
29 governing body requests reconsideration of the decision, the commis-

1 sioner [HE] shall hold a hearing in the municipality within 30 days
2 following mailing of the request. Following the hearing, he may affirm,
3 modify or reverse his initial decision and shall specify in writing the
4 reasons.

5 * Sec. 67. AS 35.15.080(f) is amended to read:

6 (f) To carry out the purpose of this section, the commissioner of
7 administration [TRANSPORTATION AND PUBLIC FACILITIES] shall adopt regula-
8 tions relating to the application for and the making and the conditions
9 of agreements and the local assumption of responsibilities for the
10 planning, design and construction of public works under this section.
11 The commissioner [HE] shall include in grant contracts terms and condi-
12 tions requiring a regional school board and its contractors to adhere to
13 the provisions of AS 36.05.010 with respect to the payment of wage rates
14 on construction projects, and AS 36.10.010 with respect to employment
15 preference, and may require different terms in agreements for different
16 projects to meet local conditions and unique requirements and to assure
17 compliance with the public facilities procurement policies developed by
18 the department under AS 35.10.160 - 35.10.200. If necessary, the commis-
19 sioner may require as a condition of an agreement approval of the agree-
20 ment by the federal government. Regulations adopted, amended or repealed
21 by the department under this section which relate to educational facili-
22 ties shall be developed in conjunction with the Alaska Association of
23 School Boards and the Alaska Association of School Administrators and
24 reviewed by those associations before final action on the regulations is
25 taken by the department.

26 * Sec. 68. AS 35.25.020(2) is amended to read:

27 (2) "department" means the Department of Administration
28 [TRANSPORTATION AND PUBLIC FACILITIES];

29 * Sec. 69. AS 35.25.020(6) is amended to read:

1 (6) "public works" means all fixed works constructed or
2 maintained by the Department of Administration [TRANSPORTATION AND
3 PUBLIC FACILITIES] or any of its divisions, and includes but is not
4 limited to work on a public building, boat harbor, jetty, dike, break-
5 water, or airport.

6 * Sec. 70. AS 35.27.030(1) is amended to read:

7 (1) "department" means the Department of Administration
8 [TRANSPORTATION AND PUBLIC FACILITIES];

9 * Sec. 71. AS 35.27.030(4) is amended to read:

10 (4) "commissioner" means the commissioner of administration
11 [TRANSPORTATION AND PUBLIC FACILITIES].

12 * Sec. 72. AS 35.30.010(b)(1) is amended to read:

13 (1) the Department of Administration [TRANSPORTATION AND
14 PUBLIC FACILITIES] and the municipality have entered into agreement for
15 the planning of the project under AS 19.20.060 or 19.20.070 and the
16 plans for the project are completed in accordance with the terms of that
17 agreement;

18 * Sec. 73. AS 35.30.010(b)(3) is amended to read:

19 (3) the Department of Administration [TRANSPORTATION AND
20 PUBLIC FACILITIES] has entered into agreement with the municipality for
21 the planning of transportation corridors under AS 19.10.280 and the
22 plans for the project are completed in accordance with the provisions of
23 that agreement.

24 * Sec. 74. AS 35.30.040(1) is amended to read:

25 (1) "department" means the Department of Administration
26 [TRANSPORTATION AND PUBLIC FACILITIES], and the University of Alaska;

27 * Sec. 75. AS 37.05.230(7) is amended to read:

28 (7) the provisions of this section relative to an "Alaska
29 bidder" do not apply to contracts estimated to exceed \$5,000, of either

1 the Department of Administration [TRANSPORTATION AND PUBLIC FACILITIES],
2 which are authorized under AS 35.15, or the Department of Transportation
3 [HIGHWAYS], which are authorized under AS 19.10.

4 * Sec. 76. AS 37.05.240 is amended to read:

5 Sec. 37.05.240. AWARD OF CONTRACTS AND PURCHASES. A contract or
6 purchase made by or under the supervision of the department for which
7 competitive bids are required shall be awarded to the lowest responsible
8 bidder, taking into consideration conformity with the specifications,
9 terms of delivery, and other conditions imposed in the call for bids.
10 Bids may be rejected, and a bid shall be rejected if it contains a
11 material alteration or erasure which is not initialed by the signer of
12 the bid. The department may reject the bid of a bidder who is in arrears
13 on taxes due the state or who failed to perform on a previous contract
14 with the state. Where competitive bids are required and where all bids
15 are rejected, new bids shall be called for as in the first instance.
16 Before the awarding of a contract for a building or the making of repairs
17 upon a building, the department shall see that the bids conform with
18 plans and specifications approved by the Department of Administration
19 [TRANSPORTATION AND PUBLIC FACILITIES]. All bids with the names of the
20 bidders and the amounts of the bids, together with all documents pertain-
21 ing to the award of a contract, shall be made a part of a file or record
22 and retained by the department for three years, unless reproduced by
23 microfilming and these files or records are open to public inspection at
24 all reasonable times. An aggrieved bidder may within five days after an
25 award of contract appeal to the department for hearing, with notice to
26 interested parties, for redetermination and final award in accordance
27 with law.

28 * Sec. 77. AS 37.15.500 is amended to read:

29 Sec. 37.15.500. AIRPORT CHARGES. The commissioner of transporta-

1 tion [AND PUBLIC FACILITIES] shall fix and collect such fees, charges
2 and rentals derived by the state from the ownership, lease, use and
3 operation of the airports and all of the facilities and improvements of
4 them or used in connection with them as will provide revenues sufficient
5 to comply with all of the covenants of the bond resolution.

6 * Sec. 78. AS 37.15.510 is amended to read:

7 Sec. 37.15.510. STATE IMPROVEMENTS TO AIRPORTS. The state is
8 authorized to acquire, equip, construct and install additions and
9 improvements to and extensions of the airports, facilities for the
10 landing, parking, loading, storing, repairing, safety and utility of
11 aircraft at the airports and passenger, freight and terminal facilities,
12 including safety equipment and devices at the airports, found to be
13 necessary by the commissioner of transportation [AND PUBLIC FACILITIES].

14 * Sec. 79. AS 37.15.550(5) is amended to read:

15 (5) "commissioner of transportation [AND PUBLIC FACILITIES]" means
16 the principal executive officer of the Department of Transportation [AND
17 PUBLIC FACILITIES OF THE STATE] as provided in AS 44.42.010, or his
18 successor;

19 * Sec. 80. AS 37.20.030(c) is amended to read:

20 (c) All public buildings accepted under the provisions of AS 37.-
21 20.010 and 37.20.020 are subject to the jurisdiction of the Department
22 of Administration [TRANSPORTATION AND PUBLIC FACILITIES].

23 * Sec. 81. AS 38.05.030(b) is amended to read:

24 (b) The provisions of this chapter do not apply to any power, duty
25 or authority now or in the future granted to the Department of Adminis-
26 tration [PUBLIC WORKS] and the Department of Transportation [HIGHWAYS]
27 in the name of the state, to acquire, use, lease, dispose of, or exchange
28 real property, or any interest in real property. Lands assigned by the
29 division of lands to the Department of Administration [PUBLIC WORKS] and

1 the Department of Transportation [HIGHWAYS] shall be returned to the
2 management of the division of lands when they are no longer needed for
3 the purposes assigned.

4 * Sec. 82. AS 38.05.030(d) is amended to read:

5 (d) Real property acquired by, and under the management of,
6 the agencies referred to in (a) and (b) of this section, which is no
7 longer needed for its intended use, shall be returned to the jurisdic-
8 tion of the division of lands, except that the Department of Transpor-
9 tation [HIGHWAYS] may dispose of real property acquired by it under
10 AS 19.05.040(2) and AS 19.05.080 - 19.05.120.

11 * Sec. 83. AS 38.35.230(2) is amended to read:

12 (2) "coordinate agencies" includes Department of Labor,
13 Department of Transportation [HIGHWAYS], Department of Environmental
14 Conservation, and the Alaska Public Utilities Commission;

15 * Sec. 84. AS 39.25.120(9) is amended to read:

16 (9) regional directors of the Department of Transportation
17 [AND PUBLIC FACILITIES];

18 * Sec. 85. AS 39.25.153(a) is amended to read:

19 (a) Each personnel officer for the departments of transportation
20 [HIGHWAYS], fish and game, education, labor, and health and social
21 services shall be permanently employed by and located within that depart-
22 ment.

23 * Sec. 86. AS 41.20.050 is amended to read:

24 Sec. 41.20.050. SELECTION OF SITES. The Department of Transporta-
25 tion [AND PUBLIC FACILITIES] and the Department of Natural Resources,
26 jointly, shall select sites of ten acres or less for their historic or
27 scenic value, or for recreation beaches along waterways, roadside rests
28 for travelers resting, camping, or parking, and determine what facilities
29 are necessary or desirable at these sites. Selection of the sites for

1 roadside rests and recreation beaches shall be based upon the flow of
2 traffic and distances to and between facilities otherwise provided.
3 Insofar as possible, sites shall be located on, or adjacent to, highways
4 rights-of-way and small boat waterways. The Department of Natural
5 Resources may acquire the sites jointly selected by grant, gift, pur-
6 chase, lease, dedication or prescription and hold them in the name of
7 the state.

8 * Sec. 87. AS 41.20.060 is amended to read:

9 Sec. 41.20.060. CONSTRUCTION AND MAINTENANCE OF FACILITIES. The
10 Department of Transportation [PUBLIC WORKS] may construct and maintain
11 facilities at scenic sites, recreation beaches or roadside rests as are
12 determined to be necessary and desirable. Facilities may include, but
13 are not limited to, access roads, camp facilities, including picnic
14 tables, fireplaces, and toilets, camping areas or other facilities that
15 are considered necessary and desirable for the convenience and benefit
16 of travelers and small boat operators.

17 * Sec. 88. AS 41.20.110(a) is amended to read:

18 (a) The Department of Transportation [PUBLIC WORKS] may construct
19 and maintain campsites throughout the wilderness trails system. Camp-
20 sites may include any type of shelter or camp facility considered neces-
21 sary and desirable for the benefit and convenience of travelers.

22 * Sec. 89. AS 41.20.220 is amended to read:

23 Sec. 41.20.220. DESIGNATION OF MANAGEMENT RESPONSIBILITY. The
24 state lands and waters described in AS 41.20.210 as the Chugach State
25 Park are assigned to the Department of Natural Resources for control,
26 development and maintenance, except that the Department of Transporta-
27 tion [HIGHWAYS] is responsible for the repair and maintenance of all
28 existing public roads within the park. The control of highway access
29 and roadside structures within the Chugach State Park is the responsi-

1 bility of the Department of Natural Resources. The Department of Fish
2 and Game shall cooperate with the Department of Natural Resources to
3 provide for those purposes under AS 41.20.210 relevant to the duties of
4 the Department of Fish and Game. If, in the exercise of management
5 responsibility under this section, conflicts of land ownership, jurisdic-
6 tion, or authority are unreconcilable or unmanageable other than at an
7 unreasonable cost and expense to the state, the commissioner after
8 public hearing in accordance with AS 44.62 may modify, subject to the
9 approval of the legislature, the boundaries of the Chugach State Park
10 not to exceed 20 percent of the total acreage described in AS 41.20.210.

11 * Sec. 90. AS 41.20.355(b) is amended to read:

12 (b) Within the limits of available appropriations, the Department
13 of Transportation [HIGHWAYS] is entitled to state grants for the estab-
14 lishment and maintenance of footpaths and trails along certain designated
15 existing highways or when a highway, road or street is being constructed,
16 reconstructed or relocated after June 7, 1972.

17 * Sec. 91. AS 41.20.355(d) is amended to read:

18 (d) Upon approval of the plan, funds shall be utilized and dis-
19 bursed to cities and boroughs and to the Department of Transportation
20 [HIGHWAYS] according to regulations established by the commissioner of
21 natural resources.

22 * Sec. 92. AS 41.20.360 is amended to read:

23 Sec. 41.20.360. PATHS AND TRAILS ALONG HIGHWAYS. The commissioner
24 of transportation [HIGHWAYS] shall administer the plan and program
25 providing for the establishment and maintenance of footpaths, bridle
26 paths, bicycle paths, ski trails, dog sled trails, motorized vehicle
27 trails and other paths and trails along certain designated existing
28 highways, or when a highway, road or street is being constructed, recon-
29 structed or relocated after June 7, 1972. Trails established under an

1 approved plan submitted by the Department of Transportation [HIGHWAYS]
2 may be used for those types of uses written into the plan. A uniform
3 system of marking the paths and trails established under this section
4 shall be established by the commissioner of transportation [HIGHWAYS].

5 * Sec. 93. AS 41.20.365(a) is amended to read:

6 (a) An amount of not less than three-eighths of one percent nor
7 more than one percent of the total yearly state and federal matching sum
8 combined, under the federal-aid highways program (23 U.S.C., secs.
9 101 - 511), shall be appropriated annually from the general fund to the
10 Department of Natural Resources for the purposes of providing grants to
11 eligible cities and boroughs for trails, footpaths and shelter construc-
12 tion and maintenance in appropriate areas, including but not limited to
13 existing park and recreation areas and for the purpose of providing
14 grants to the Department of Transportation [HIGHWAYS] for developing the
15 program specified in AS 41.20.355(b) and AS 41.20.360.

16 * Sec. 94. AS 41.20.365(c) is amended to read:

17 (c) The amount expended by a city or borough under AS 41.20.355(a)
18 or by the Department of Transportation [HIGHWAYS] under AS 41.20.355(b)
19 and 41.20.360, shall never in any one fiscal year be less than 10 percent
20 of the total amount of the funds it receives in that year for the pur-
21 poses authorized in AS 41.20.355 - 41.20.360.

22 * Sec. 95. AS 41.20.370 is amended to read:

23 Sec. 41.20.370. USE AND MARKING OF TRAILS AND FOOTPATHS. Trails
24 established under AS 41.20.355(a) may be used for more than one type of
25 transportation, motorized or nonmotorized, as considered appropriate by
26 the commissioner of natural resources. Except along highways within the
27 jurisdiction of the Department of Transportation [HIGHWAYS], the Depart-
28 ment of Natural Resources shall provide a uniform system of marking
29 trails and footpaths.

1 * Sec. 96. AS 43.18.300(b)(1) is amended to read:

2 (1) estimates of reasonable costs of a study or project as
3 approved by the commissioner after consultation with the Department of
4 Administration [PUBLIC WORKS];

5 * Sec. 97. AS 43.18.500(d)(4)(B) is amended to read:

6 (B) to the Department of Administration [TRANSPORTATION
7 AND PUBLIC FACILITIES], for review in accordance with the provisions
8 of AS 35.10.190;

9 * Sec. 98. AS 43.40.010(g) is amended to read:

10 (g) The proceeds of the revenue from the tax on all motor fuels,
11 except as provided in (e), (f), and (j) of this section, shall be
12 deposited in a special highway fuel tax account in the state general
13 fund. The legislature may appropriate funds from it for expenditure by
14 the Department of Transportation [PUBLIC WORKS] directly or as matched
15 with available federal-aid highway money for maintenance of highways,
16 construction of highway projects and ferries included in the program
17 provided for in AS 19.10.150, including approaches, appurtenances and
18 related facilities and acquisition of rights-of-way or easements, and
19 other highway costs including surveys, administration, and related
20 matters. All departments of the state government authorized to spend
21 funds collected from taxes imposed by AS 43.40.010 - 43.40.100 shall
22 perform, when feasible, all construction or reconstruction projects by
23 contract after the projects have been advertised for competitive bids,
24 except that, when feasible, arrangements shall be made with political
25 subdivisions to carry out the construction or reconstruction projects.
26 If it is not feasible for the work to be performed by state engineering
27 forces, the commissioner of transportation [PUBLIC WORKS] may contract
28 on a professional basis with private engineering firms for road design,
29 bridge design, and services in connection with surveys. If more than

1 one private engineering firm is available for the work, the contracts
2 shall be entered into on a negotiated basis.

3 * Sec. 99. AS 43.40.010(i) is amended to read:

4 (i) Within 30 days after the legislature convenes the Department
5 of Transportation [PUBLIC WORKS] shall submit an annual budget covering
6 anticipated revenues and their expenditure, for the consideration and
7 approval by the legislature. The budget shall cover all money collected
8 or anticipated to be collected under AS 43.40.010 - 43.40.100 for the
9 year following the adjournment of each regular session of the legisla-
10 ture.

11 * Sec. 100. AS 43.40.010(j) is amended to read:

12 (j) The proceeds from the tax on motor fuel used in snow vehicles
13 and, unless a tax refund is applied for under AS 43.40.040, other
14 internal combustion engines not used in or in conjunction with a motor
15 vehicle licensed to be operated on public ways shall be deposited in a
16 special nonpublic highway use account in the general fund. The legisla-
17 ture may appropriate from this account to the Department of Transporta-
18 tion [HIGHWAYS] for trail staking and shelter construction and mainten-
19 ance.

20 * Sec. 101. AS 44.07.140(f) is amended to read:

21 (f) The corporation shall submit the facility procurement process
22 schedule to the capital coordinating committee. The committee consists
23 of the commissioners of administration, transportation [AND PUBLIC
24 FACILITIES], public safety, health and social services, environmental
25 conservation, natural resources, fish and game, labor, commerce and
26 economic development, community and regional affairs, and a representa-
27 tive of the Office of the Governor. The chairman of the committee shall
28 be the commissioner of administration [TRANSPORTATION AND PUBLIC FACILI-
29 TIES]. The committee, with the cooperation of the corporation, shall

1 ensure that submissions made by the corporation as required by statute,
2 codes, and regulations are processed expeditiously. The committee and
3 the corporation, or the corporation itself, may propose to the governor
4 revision of procedures, statutes, codes or regulations when necessary to
5 expedite the corporation's work.

6 * Sec. 102. AS 44.17.005(15) is amended to read:

7 (15) Department of Transportation [AND PUBLIC FACILITIES]

8 * Sec. 103. AS 44.19.056 is amended to read:

9 Sec. 44.19.056. COMPOSITION. The State Geographic Board consists
10 of the commissioner [DIRECTOR] of the Department of Community and
11 Regional Affairs, the curator of the state museum, the state historical
12 librarian, the commissioner of the Department of Administration [TRANS-
13 PORTATION AND PUBLIC FACILITIES], the commissioner of the Department of
14 Natural Resources, the commissioner of the Department of Education, the
15 director of the division of lands, and one other person appointed by the
16 governor.

17 * Sec. 104. AS 44.19.066(4) is amended to read:

18 (4) the commissioner of transportation [HIGHWAYS];

19 * Sec. 105. AS 44.19.155(a)(2)(G) is amended to read:

20 (G) the commissioner of the Department of Administration
21 [PUBLIC WORKS].

22 * Sec. 106. AS 44.21 is amended by adding new sections to read:

23 ARTICLE 8. PUBLIC FACILITIES.

24 Sec. 44.21.331. STATE PUBLIC FACILITIES PLAN. (a) The commis-
25 sioner shall develop and annually revise a statewide comprehensive
26 facility procurement plan for public facilities of the state and its
27 municipalities.

28 (b) In developing and annually revising the facility procurement
29 plan, the commissioner shall

1 (1) request and receive on an annual basis from all state
2 agencies a projection of the anticipated facility needs of the agency
3 for the next annual capital improvement program;

4 (2) consult with officials and representatives of municipali-
5 ties, the federal government, interested corporations, and other organi-
6 zations concerning public facility needs in the state;

7 (3) develop specific facility procurement plans for projects
8 in each of the following categories:

9 (A) sewage transmission and treatment systems;

10 (B) water transmission and treatment systems;

11 (C) electrical generation and distribution systems;

12 (D) health care and social services facilities;

13 (E) educational facilities;

14 (F) communications facilities;

15 (G) public safety and justice facilities;

16 (H) recreational facilities;

17 (I) sanitation facilities; and

18 (J) cultural facilities;

19 (4) prepare recommendations to accommodate the various levels
20 of service identified by state agencies and other parties with respect
21 to the services described in (3) of this subsection, to include

22 (A) current and future facility needs;

23 (B) space standards and design guidelines for the appro-
24 priate facility types;

25 (C) maintenance and operations standards for the appro-
26 priate facility types;

27 (D) construction techniques and contracting methods;

28 (E) facility project budget requirements; and

29 (F) relative costs of identified alternatives (life

1 cycle cost analysis) including but not limited to the costs of
2 installation and operation of energy systems that are not dependent
3 on oil or gas for water heating, space heating and cooling require-
4 ments, or the generation of electrical or mechanical power;

5 (5) identify common public facility needs among the various
6 user agencies; and

7 (6) submit its findings, plans, and recommendations to the
8 governor and to the appropriate state agency to facilitate the develop-
9 ment of agency capital improvement budget requests.

10 (c) In the preparation and revision of the facility procurement
11 plan, the commissioner may

12 (1) develop and adopt regulations for use in carrying out the
13 purpose of (b) of this section; regulations may not be adopted under
14 this section unless approval is received from appropriate program
15 agencies;

16 (2) make recommendations on the total capital improvement
17 program to affected state agencies, local governments, and other inter-
18 ested parties and organizations, and to the divisions of budget and
19 management and policy development and planning.

20 (d) In this section, "public facility"

21 (1) means a capital improvement within one of the categories
22 described in (b) of this section that is constructed

23 (A) for subsequent occupancy or operation by the state,
24 a public corporation of the state, the University of Alaska, a
25 political subdivision, or a regional educational attendance area;

26 (B) by a political subdivision or any private party with
27 the assistance of financial support provided by the state if funds
28 appropriated or paid by way of a grant or loan in advance of con-
29 struction of the facility, or any part of it, are 50 percent or

1 more of the estimated costs of construction of the facility;

2 (2) does not include projects constructed with the proceeds
3 of one or more loans issued by a loan program administered by the
4 Department of Commerce and Economic Development.

5 Sec. 44.21.335. GRANTS TO THE DEPARTMENT. The commissioner may
6 apply for and accept, on behalf of the state, grants from the federal
7 government or an agency of it, or from another state, a foundation, or
8 any person, for any of the functions or purposes of the department.

9 Sec. 44.21.337. CONSERVATION OF ENERGY IN PUBLIC BUILDINGS. (a)
10 The department shall, as soon as practicable after July 1, 1980, and at
11 least once every seven years thereafter, perform an energy audit of each
12 public building. A report of the results of the energy audits performed
13 during the preceding year shall be submitted to the legislature not
14 later than February 1 of each year.

15 (b) The department shall include in the report required in (a) of
16 this section recommendations for corrective measures to improve the
17 energy efficiency and to minimize the life-cycle cost of the public
18 buildings surveyed. These measures may include (1) energy conservation
19 measures, (2) measures involving solar technology and other alternative
20 energy systems, (3) energy management, and (4) maintenance and operating
21 procedures and energy-related modifications. In recommending the correc-
22 tive measures, the department shall give priority to changes in mainten-
23 ance and operating procedures over measures requiring substantial struc-
24 tural modification or installation of equipment.

25 (c) In this section, "energy audit" means a determination of

26 (1) the energy consumption characteristics of a building,
27 including the size, type, and rate of energy consumption of major energy-
28 consuming systems of the building and the climate characterizing the
29 region where the building is located; and

1 (2) a determination of the energy conservation and cost
2 savings likely to result from appropriate energy-conserving maintenance
3 and operating procedures and modifications, including the purchase and
4 installation of energy-related fixtures.

5 Sec. 44.21.339. CAPITAL PROJECTS FUNDS. There is created within
6 the department the following capital projects funds:

- 7 (1) educational, cultural, and related facilities;
8 (2) public institutions and related facilities;
9 (3) public safety, justice, and related facilities;
10 (4) health, and related facilities;
11 (5) natural resource development facilities;
12 (6) general purpose facilities.

13 Sec. 44.21.341. INVENTORY. The department shall complete and
14 maintain a current inventory of public facilities, including a projection
15 of the serviceability of the facilities and projections of replacements
16 and additions to facilities needed to provide the level of services
17 programmed by the various user agencies, for municipalities with popula-
18 tions of less than 12,000 and for unincorporated communities, and perform
19 those duties on a cooperative basis with larger municipalities.

20 Sec. 44.21.350. ENERGY PERFORMANCE STANDARDS FOR PUBLIC BUILDINGS.
21 The department shall

22 (1) adopt energy performance standards for public facilities
23 of the state, the construction of which begins after July 1, 1980; the
24 standards shall be based on thermal and lighting energy standards estab-
25 lished by the American Society of Heating, Refrigeration and Air Condi-
26 tioning Engineers as adapted for application in high latitude, cold
27 climate environs;

28 (2) provide planning assistance, including but not limited to
29 energy audits and related technical services, to school districts and

1 regional educational attendance areas to develop and implement

2 (A) standards for the design, construction, and opera-
3 tion of rural educational facilities; and

4 (B) energy conservation measures for rural educational
5 facilities.

6 * Sec. 107. AS 44.33.190(b) is amended to read:

7 (b) The Tourism Advisory Board consists of 11 members; nine of
8 whom are public members appointed by the governor for overlapping three-
9 year terms, one of whom is a member of the house of representatives
10 appointed by the speaker of the house, and one of whom is a member of
11 the senate appointed by the president of the senate. The director of
12 the division of parks in the Department of Natural Resources, the direc-
13 tor of the division of marine transportation in the Department of Trans-
14 portation [PUBLIC WORKS], the chief of information and education in the
15 Department of Fish and Game, and the director of the Alaska division of
16 tourism in the Department of Commerce and Economic Development, or their
17 designees, serve as ex officio members of the commission, without a
18 vote. The director of the Alaska division of tourism serves as the
19 board's executive director.

20 * Sec. 108. AS 44.42.010 is amended to read:

21 Sec. 44.42.010. COMMISSIONER OF TRANSPORTATION [AND PUBLIC FACILI-
22 TIES]. The principal executive officer of the Department of Transporta-
23 tion [AND PUBLIC FACILITIES] is the commissioner of transportation [AND
24 PUBLIC FACILITIES].

25 * Sec. 109. AS 44.42.040 is amended to read:

26 Sec. 44.42.040. DEPARTMENTAL ORGANIZATION. The commissioner shall
27 establish regions within the state. The functions of the department
28 within each region shall be performed, to the maximum extent feasible,
29 through a regional office. Each regional office shall be directed by a

1 regional transportation [AND PUBLIC FACILITIES] director appointed by
2 the commissioner.

3 * Sec. 110. AS 44.42.080 is amended by adding a new subsection to read:

4 (b) The transportation and related facilities capital projects
5 fund is established in the department.

6 * Sec. 111. AS 44.42.900(1) is amended to read:

7 (1) "commissioner" means the commissioner of the Department
8 of Transportation [AND PUBLIC FACILITIES];

9 * Sec. 112. AS 44.42.900(2) is amended to read:

10 (2) "department" means the Department of Transportation [AND
11 PUBLIC FACILITIES];

12 * Sec. 113. AS 44.47.092 is amended to read:

13 Sec. 44.47.092. LAND USE PLANNING AND STATE FACILITY PROCUREMENT
14 PLAN. The department shall make recommendations to the Department of
15 Administration [TRANSPORTATION AND PUBLIC FACILITIES] and to appropriate
16 program agencies concerning the effect upon the comprehensive plan or
17 other land use plans or proposals of municipalities and unincorporated
18 communities with respect to the facility procurement plan required to be
19 prepared in accordance with AS 35.10.170 and AS 44.21.350 [AS 44.42.055].

20 * Sec. 114. AS 44.47.160(a)(3) is amended to read:

21 (3) the commissioners of the departments of administration,
22 transportation [AND PUBLIC FACILITIES], commerce and economic develop-
23 ment, and community and regional affairs, and the director of the divi-
24 sion of policy development and planning;

25 * Sec. 115. AS 44.62.330(a)(16) is amended to read:

26 (16) Department of Transportation [AND PUBLIC FACILITIES], as
27 to functions relating to aeronautics and communications

28 * Sec. 116. AS 44.65.050(c) is amended to read:

29 (c) The Department of Natural Resources and the Department of

1 Transportation [AND PUBLIC FACILITIES] may enter into agreements under
2 this chapter for the acquisition of rights of way, construction, recon-
3 struction, maintenance, repair or alteration of access roads serving
4 public airports.

5 * Sec. 117. AS 44.68.020 is amended to read:

6 Sec. 44.68.020. RULES REGARDING THE USE OF STATE-OWNED VEHICLES.
7 The Department of Transportation [AND PUBLIC FACILITIES] shall prescribe
8 rules which

9 (1) define what is the use of state-owned automotive and
10 mechanical vehicles in the conduct of state business and distinguish
11 this use from misappropriation for private use;

12 (2) prescribe use governing the storage of state-owned
13 vehicles in those locations where storage space, under the jurisdiction
14 of the Department of Transportation [HIGHWAYS], is available for storage
15 of state-owned vehicles;

16 (3) provide for the marking of state-owned vehicles as
17 property of the state and for the use of distinctive license tags for
18 state-owned vehicles.

19 * Sec. 118. AS 44.74.010 is amended to read:

20 Sec. 44.74.010. WORKING CAPITAL FUND. A working capital fund is
21 established in the state treasury for the use of the Department of
22 Transportation [AND PUBLIC FACILITIES].

23 * Sec. 119. AS 44.74.040 is amended to read:

24 Sec. 44.74.040. RECORDS OF WORKING CAPITAL FUND. The Department
25 of Transportation [AND PUBLIC FACILITIES] shall maintain cost accounting
26 records showing the income and expenses of the fund. The department
27 shall submit a report on the operation of the fund to the governor and
28 the legislature at the time of submission of the departmental budget.

29 * Sec. 120. AS 44.74.070(a) is amended to read:

1 (a) The commissioners of the Department of Administration [PUBLIC
2 WORKS] and the Department of Transportation [HIGHWAYS] may transfer
3 directly to a political subdivision of the state, including a village
4 organized under Federal Act of June 18, 1934 (48 Stat. 984), as amended
5 by the Act of May 1, 1936 (49 Stat. 1250), the title to automotive and
6 construction equipment which can be used in the maintenance or construc-
7 tion of roads and airports.

8 * Sec. 121. AS 44.88.180(a) is amended to read:

9 (a) A [NO] member of the authority may not vote on a resolution of
10 the authority relating to a lease or contract to be entered into by the
11 authority under this chapter if he is a party to the lease or contract
12 or has a direct ownership or equity interest in a firm, partnership,
13 corporation or association which may be a party to the contract or
14 lease. If a person may not vote because of this prohibition, for all
15 purposes regarding action of the authority relating to adoption of the
16 resolution, the position of the persons as a member shall be transferred
17 to the first one of the following state officers who is not then acting
18 as a member and would not be prohibited from voting on the resolution
19 because of the same prohibition: commissioner of administration, attorney
20 general, commissioner of revenue, commissioner of health and welfare,
21 commissioner of labor, commissioner of transportation [PUBLIC WORKS],
22 commissioner of public safety.

23 * Sec. 122. AS 46.11.010 is amended to read:

24 Sec. 46.11.010. THERMAL AND LIGHTING ENERGY STANDARDS FOR PUBLIC
25 BUILDINGS. (a) All public facilities of the state, the construction of
26 which begins after July 1, 1980, shall be designed to comply with the
27 thermal and lighting energy standards adopted by the Department of
28 Administration [TRANSPORTATION AND PUBLIC FACILITIES] under AS 44.21.350
29 [AS 44.42.020(a)(14)].

1 (b) By June 30, 1988, all public facilities of the state existing
2 on July 1, 1980 shall be modified, to the extent economically feasible,
3 to comply with the thermal and lighting energy standards adopted by the
4 Department of Administration [TRANSPORTATION AND PUBLIC FACILITIES]
5 under AS 44.21.350 [AS 44.42.020(a)(14)].

6 * Sec. 123. AS 46.11.900(9)(A) is amended to read:

7 (A) by the commissioner of administration [TRANSPORTA-
8 TION AND PUBLIC FACILITIES] under AS 44.21.350 [AS 44.42.020(a)]
9 for public facilities; or

10 * Sec. 124. AS 47.37.040(14) is amended to read:

11 (14) cooperate with the Department of Public Safety and the
12 Department of Transportation [HIGHWAYS] in establishing and conducting
13 programs designed to deal with the problem of persons operating motor
14 vehicles while intoxicated;

15 * Sec. 125. AS 47.37.050(a) is amended to read:

16 (a) An interdepartmental coordinating committee is created, com-
17 posed of the coordinator, the commissioners of health and social ser-
18 vices, education, transportation [AND PUBLIC FACILITIES], labor and
19 public safety, and the director of the Alcoholic Beverage Control Board.
20 The committee shall meet at least twice annually at the call of the
21 commissioner of health and social services who is its chairman. The
22 committee shall provide for the coordination and exchange of information
23 on all programs relating to alcoholism and act as a permanent liaison
24 among state departments engaged in activities affecting alcoholics and
25 intoxicated persons. The committee shall assist the commissioner of
26 health and social services and the coordinator in formulating a compre-
27 hensive plan for prevention of alcoholism and for treatment of alcoholics
28 and intoxicated persons.

29 * Sec. 126. AS 44.42.020(a)(13) - (15), 44.42.055, 44.42.065 and 44.42.-

1 080(a) are repealed.

2 * Sec. 127. This Act takes effect July 1, 1982.

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